UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/025,155	02/18/1998	BRIAN JOHN CRAGUN	RO9-97-195	9259

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EXAMINER
BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
2126	

DATE MAILED: 01/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 September 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *28-48* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *28-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application)
since a specific reference was included in the first sentence of the specification or in an Application Data Sheet.
37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific
reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

4)☐ Interview Summary (PTO-413) Paper No(s). _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Reopen Prosecution

1.   If the examiner has specific knowledge of the existence of a particular reference or references which indicate nonpatentability of any of the appealed claims as to which the examiner was reversed, he or she should submit the matter to the Technology Center (TC) Director for authorization to reopen prosecution under 37 CFR 1.198 for the purpose of entering the new rejection. See MPEP § 1002.02(c) and MPEP § 1214.07. The TC Director's approval is placed on the action reopening prosecution.

2.   If a copy of a provisional application listed on the bottom portion of the accompanying Notice of References Cited (PTO-892) form is not included with this Office action and the PTO-892 has been annotated to indicate that the copy was not readily available, it is because the copy could not be readily obtained when the Office action was mailed. Should applicant desire a copy of such a provisional application, applicant should promptly request the copy from the Office of Public Records (OPR) in accordance with 37 CFR 1.14(a)(1)(iv), paying the required fee under 37 CFR 1.19(b)(1). If a copy is ordered from OPR, the shortened statutory period for reply to this Office action will not be reset under MPEP § 710.06 unless applicant can demonstrate a substantial delay by the Office in fulfilling the order for the copy of the provisional application. Where the applicant has been notified on the PTO-892 that a copy of the provisional application is not readily available, the provision of MPEP

§ 707.05(a) that a copy of the cited reference will be automatically furnished without

charge does not apply.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 28-48 are rejected under 35 U.S.C. 102(e) as being anticipated by

SLOTZNICK (US 6,609,146).

As to claim 28, SLOTZNICK teaches a method for automatically swapping

application tasks (executable programs) running within a local network site (user's

computer) of a computer network when access from the local network site (user's

computer) to a remote network site is delayed (downloading data), the method

comprising: initiating, from a communications application (browser / first program) at a

local network site (user's computer), a link to a remote network site while multitasking

applications (second programs / desktop productivity programs, etc.) are simultaneously

running at the local network site (user's computer); initiating retrieval of data from the

remote network site, in response to initiating the link (via first program has initiated the

information processing mode); automatically switching focus from the communications

application (browser / first program) to one of the multi-tasking applications (second program), in response to initiating the link ("...the computer automatically switches the user's computer interface from the first mode to the second mode. That is, the second program automatically becomes visible and active."); determining, after focus has been switched from the communications application, that the data has been retrieved ("The user's computer switches from the second mode back to the first mode upon the occurrence of a predetermined event...the predetermined event is the completion of the information processing."); and automatically providing user notification (via automatically switching back / informing the user the information processing is complete) that the data has been retrieved, in response to the determination ("switching back from the second mode to the first mode may be automatic or manual. In a manual mode, the second program remains visible and active, but the user is informed that the information processing is completed and is prompted to enter a specific type of user input to return to the first mode.") (col. 4, lines 13-67; col. 7, line 33 – col. 10, line 36; col. 13, lines 29-35; col. 14, line 25 - col. 16, line 65).

As to claim 29, SLOTZNICK teaches the step of automatically providing user notification comprises automatically switching focus back to the communications application (first program / browser) from the one of said multi-tasking applications (second program) (via automatically switching back) ("switching back from the second mode to the first mode may be automatic or manual.") (col. 9, lines 7-25; col. 9, line 46 – col. 10, line 36).

As to claim 30, SLOTZNICK teaches detecting expiration of a predetermined

period of time in which no user input has been received (preset time period); and

switching focus back to the communications application is performed only after the step

of detecting the expiration (switching is response to predetermined event) (col. 9, lines

7-25; col. 9, line 46 – col. 10, line 36).

As to claim 31, SLOTZNICK teaches receiving user input selecting the

communications application (first program / browser) after the notification has been

provided (via manual switching / pause button / resume button); and switching focus

back to the communications application (first program / browser) from the multi-tasking

application (second program) in response to receipt of the user input (col. 9, lines 7-25;

col. 9, line 46 – col. 10, line 36; col. 4; lines 29-52).

As to claim 32, SLOTZNICK teaches identifying a previously utilized application

(program that was last active) among the multi-tasking applications (col. 4, lines 14-19);

and the step of automatically switching focus to the multi-tasking application comprises

automatically switching focus to the previously utilized application (via automatic

switching between programs) (col. 7, lines 33-45).

As to claim 33, SLOTZNICK teaches consulting a ring of applications (hierarchy

of programs) to identify a selected application among the ring of multitasking

applications (col. 4, lines 14-19); and the step of automatically switching focus to the multi-tasking application comprises automatically switching focus to the identified application (via automatic switching between programs) (col. 7, lines 33-45).

As to claim 34, SLOTZNICK teaches determining whether the link is a time-consuming link, based on a location of the remote network site (requested information currently resides in the user's computer) (col. 10, lines 15-36). It is inherent in the teachings of SLOTZNICK that since the switching is inhibited if the data is locally stored that the switching is performed if the data is remotely stored or time-consumed.

As to claims 35-41, reference is made to a system that corresponds to the method of claims 28-34 and is therefore met by the rejection of claims 28-34 above.

As to claims 42-48, reference is made to a program product that corresponds to the method of claims 28-34 and is therefore met by the rejection of claims 28-34 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (703) 305-0439. The examiner can normally be reached on Monday-Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0286.

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